

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JAMES DURAN,

Plaintiff,

v.

CIV 15-0495 KK/KBM

RICK ROMERO, individually and  
In his capacity as an officer with the  
County of Taos Sheriff's Department,

Defendant.

**ORDER TO SHOW CAUSE**

THIS MATTER comes before the Court sua sponte. The Court scheduled a telephonic status conference for December 10, 2015, at 2:00 p.m. *Doc. 57*. Attorney Michael Dickman appeared on behalf of Defendant Rick Romero. Plaintiff James Duran, pro se, did not appear. The record reflects that the Court's Order was mailed to Plaintiff at his address of record, P.O. Box 3201, Taos, NM 87571, and there is no indication that it was not received by him. My law clerk called Plaintiff's phone number of record (505-290-0536), but the number had been "changed, disconnected or no longer in service." *Doc 58*.

The Court is ordinarily inclined to simply reschedule status conferences when counsel or pro se parties fail to appear. Here, however, Plaintiff has failed to appear for at least three scheduled conferences for which he received notice. *Docs. 45, 52, 57*. Plaintiff's failure to appear as ordered by the Court suggests that he may be unwilling to

meet his litigation obligations and the orders of this Court or, alternatively, demonstrates a manifest lack of interest in litigating his claims. See *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Plaintiff will be required to show cause why sanctions, including the ultimate sanction of dismissal of his complaint, should not be imposed.

**IT IS THEREFORE ORDERED** that Plaintiff must show cause, in a written document to be filed with the Court no later than December 30, 2015, why he failed to appear for this Court's December 10, 2015 Status Conference. Failure to respond to this Order may result in dismissal of this action without further notice.

  
UNITED STATES CHIEF MAGISTRATE JUDGE